IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF JUNE

TWO THOUSAND AND FOUR

:PRESENT:

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 46 of 1999

Between:

Sri Kodanda Ramaswamy Temple
Rep.by its Secretary P.S.N.Raju
S/o P.Raju, age 52 years, Contractor,
Pylon Colony, V.P.North,
Nalgonda District.

..... PETITIONER

AND

1. The Deputy Executive Engineer,
   P.W.D.Electrical Section, Pylon colony,
   V.P.North, Nagarjunasagar Project,
   Nalgonda District – 508 203.
2. The Executive Engineer,
   Dam Maintenance Division
   Hill Colony, V.P.North,
   Nagarjunasagar Project,
   Nalgonda District – 5-8 202.
3. The Chief Engineer,
   Hill Colony, V.P.North,
   Nagarjunasagar Project,
   Nalgonda District – 5-8 202.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus directing the respondents to restore power supply, partially disconnected electricity service connection No.148 under category VII to the room of the Sri Kodanda Ramaswamy Temple, Pylon Colony, V.P.North, N.S.Project.

Counsel for Petitioner: Sri K.Ram Reddy, Advocate

Counsel for Respondents: G.P. for Irrigation

ORDER:

This writ petition is filed seeking a direction to restore power supply, partially disconnected electricity service connection No.148 under category-VII to the rooms of Sri Kodanda Ramaswamy Temple, Pylon Colony, V.P.North, N.S.Project.

The case of the petitioner is that one room belongs to it let out to one Shamsuddin for running scooter repair workshop on a monthly rent of Rs.300/-and another one is vacant. The said room has been provided with electricity service connection from the main service connection of the temple under Service Connection No. 148 under Category VII. When the temple committee has been paying the electricity charges promptly and regularly, the employees of the first respondent visited the temple premises on 31-12-1998 and disconnected the service connection provided to the tenants, which is arbitrary and illegal.

This Court initially granted interim direction on 05.01.1999 to restore the power supply subject to condition of the petitioner paying the amounts due in respect of the electricity connection No. 148 under category VII to the room of Sri Kodanda Ramaswamy Temple, Pylon Colony, V.P.North, N.S.Project, which was modified on 07-04-1999

leaving it open to the respondents to proceed against the petitioner and others who are alleged to be in
illegal possession of the rooms constructed in un-authorized manner.

In the counter-affidavit filed by the second respondent it is stated that the temple has been provided with electricity facility and the connection has been extended unauthorisedly to the two rooms in which commercial activity is carried out, one room was let out for a scooter servicing shop and another room was let out for electrical rewinding works. If the power supply of category VII is extended to the said rooms where commercial activity is carried out there will be a financial loss to the department as tariff rates to commercial category-II are higher than the category VII.

The statements made by the second respondent in his counter-affidavit have not been controverted by the petitioner by filing a reply.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the respondents not to disconnect the power supply to the temple premises. If the power supply has been extended by the temple to any of the rooms, which was unauthorized and not permissible under the rules, necessary notice can be issued. If the temple wants separate connection to the rooms, they are at liberty

to make a request for

separate connection to the rooms. On making such a request, the respondent No.1 shall consider the same and pass necessary orders.

There shall be no order as to costs.

ASSISTANT
REGISTRAR

// TRUE COPY //

SECTION OFFICER

1. The Deputy Executive Engineer,
   P.W.D.Electrical Section, Pylon colony,
   V.P.North, Nagarjunasagar Project,
   Nalgonda District – 508 203.
2. The Executive Engineer,
   Dam Maintenance Division
   Hill Colony, V.P.North,
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   Hill Colony, V.P.North,
   Nagarjunasagar Project,
   Nalgonda District – 5-8 202.
4. 2 CC to Government pleader for Irrigation
5. 2 CD copies

kvrm/kmr

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 46 of 1999

DATED 18TH DAY OF JUNE 2004